

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA

IN RE:) CASE NO. 02-03782-R
) Chapter 7
WITMER HALSEY, INC., dba)
HALSEY'S FURNITURE)
ID#73-1575545)
)
Debtor.)
)
PATRICK J. MALLOY III, TRUSTEE)
)
Plaintiff,)
)
vs.) Adv. No. 04-01009-R
)
KWBT TV,)
)
Defendant.)



ORDER GRANTING JUDGMENT BY DEFAULT

THIS MATTER having come on for consideration this 15th day of June 2004, upon Plaintiff/Trustee's Motion for Default Judgment the Court finds:

1) This matter represents the Plaintiff/Trustee's attempt to recover from the Defendant the sum of \$5,344.20 pursuant to 11 U.S.C. 547 and is, therefore, a core proceeding pursuant to 28 U.S.C. 1334(b) and 157(b)(2)(A).

2) That the Plaintiff/Trustee filed the Complaint seeking to recover the referenced sums on the 12th day of January, 2004.

3) That the Complaint alleges facts which are sufficient to support the Entry of Judgment in favor of the

Plaintiff/Trustee for the referenced sum.

4) On the 14th day of January, 2004, the Plaintiff/Trustee served the Defendant with the Summons and Complaint as evidenced by the Plaintiff/Trustee's Certificate of Service, a copy of which is attached to the Plaintiff/Trustee's Motion for Default Judgment.

5) That pursuant to Rule 7012 FRBP, the Defendant had 30 days to answer the Complaint. More than 30 days have elapsed since service. To date, the Defendant has not filed an answer or otherwise pled to the Complaint.

6) That pursuant to Rule 7055 FRBP, the Clerk was requested to enter a default against the Defendant on the 3rd day of June 2004. On the 8th day of June 2004, the Clerk entered a default.

Based upon these findings, it is appropriate to grant judgment in favor of the Plaintiff/Trustee for the above referenced sum pursuant to 11 U.S.C. 547.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that:

1) The Plaintiff/Trustee is granted judgment for the sum of \$5,344.20 pursuant to 11 U.S.C. 547;

2) The Clerk of the Bankruptcy Court is directed to leave this adversary proceeding open for period of 90 days from the entry of this Order and, if no further papers are filed relating to this adversary proceeding, the Clerk is

authorized to close this adversary proceeding.

Dated this 15th day of June 2004.


DANA L. RASURE
UNITED STATES BANKRUPTCY JUDGE